

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

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6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE REQUIREMENT FOR A RESOURCE TEST FOR
7 INFANTS AND PREGNANT WOMEN WHOSE FAMILY INCOME IS UNDER 133 PERCENT OF THE FEDERAL
8 POVERTY LEVEL; AMENDING SECTION 53-6-131, MCA; AND PROVIDING AN EFFECTIVE DATE."

9
10 WHEREAS, it is desirable that low-income pregnant women and children qualify for medical
11 assistance so that they can receive prenatal care and preventive and other medical care during the
12 children's early years; and

13 WHEREAS, some low-income pregnant women and children in Montana who are in need of medical
14 assistance have resources that may exceed the current resource limit as established by agency rule to
15 qualify for Medicaid; and

16 WHEREAS, federal law permits the states the option of providing Medicaid to pregnant women and
17 children under 19 years of age whose family income does not exceed 133% of the federal poverty level
18 without applying a resource test; and

19 WHEREAS, section 53-6-131(7), MCA, requires the Department of Public Health and Human
20 Services to establish a resource test for Medicaid eligibility for pregnant women and infants under 1 year
21 of age, but section 53-6-131(2), MCA, provides discretion to the Department of Public Health and Human
22 Services in determining if a rule should be adopted establishing a resource test for other groups of
23 individuals potentially eligible for Medicaid; and

24 WHEREAS, the Legislature of the State of Montana finds it appropriate to amend section
25 53-6-131(7), MCA, to grant the Department of Public Health and Human Services the discretion to
26 eliminate the resource test for pregnant women and infants under 1 year of age.

27
28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

29
30 **Section 1.** Section 53-6-131, MCA, is amended to read:

1 **"53-6-131. Eligibility requirements.** (1) Medical assistance under the Montana medicaid program
2 may be granted to a person who is determined by the department of public health and human services,
3 in its discretion, to be eligible as follows:

4 (a) The person receives or is considered to be receiving supplemental security income benefits
5 under Title XVI of the Social Security Act, 42 U.S.C. 1381, et seq., and does not have income or
6 resources in excess of the applicable medical assistance limits or receive from FAIM financial assistance,
7 as defined in 53-4-702, benefits under Title IV of the federal Social Security Act, 42 U.S.C. 601, et seq.

8 (b) The person would be eligible for assistance under a program described in subsection (1)(a) if
9 that person were to apply for that assistance.

10 (c) The person is in a medical facility that is a medicaid provider and, but for residence in the
11 facility, the person would be receiving assistance under one of the programs in subsection (1)(a).

12 (d) The person is under 19 years of age and meets the conditions of eligibility in the state plan,
13 as defined in 53-4-201, other than with respect to age and school attendance.

14 (e) The person is under 21 years of age and in foster care under the supervision of the state or
15 was in foster care under the supervision of the state and has been adopted as a child with special needs.

16 (f) The person meets the nonfinancial criteria of the categories in subsections (1)(a) through (1)(e)
17 and:

18 (i) the person's income does not exceed the income level specified for federally aided categories
19 of assistance and the person's resources are within the resource standards of the federal supplemental
20 security income program; or

21 (ii) the person, while having income greater than the medically needy income level specified for
22 federally aided categories of assistance:

23 (A) has an adjusted income level, after incurring medical expenses, that does not exceed the
24 medically needy income level specified for federally aided categories of assistance or, alternatively, has
25 paid in cash to the department the amount by which the person's income exceeds the medically needy
26 income level specified for federally aided categories of assistance; and

27 (B) has resources that are within the resource standards of the federal supplemental security
28 income program.

29 (g) The person is a qualified pregnant woman or child as defined in 42 U.S.C. 1396d(n).

30 (2) The department may establish income and resource limitations. Limitations of income and

1 resources must be within the amounts permitted by federal law for the medicaid program.

2 (3) The Montana medicaid program shall pay, as required by federal law, the premiums necessary
3 for medicaid-eligible persons participating in the medicare program and may, within the discretion of the
4 department, pay all or a portion of the medicare premiums, deductibles, and coinsurance for a qualified
5 medicare-eligible person or for a qualified disabled and working individual, as defined in section 6408(d)(2)
6 of the federal Omnibus Budget Reconciliation Act of 1989, Public Law 101-239, who:

7 (a) has income that does not exceed income standards as may be required by the Social Security
8 Act; and

9 (b) has resources that do not exceed standards that the department determines reasonable for
10 purposes of the program.

11 (4) The department may pay a medicaid-eligible person's expenses for premiums, coinsurance,
12 and similar costs for health insurance or other available health coverage, as provided in 42 U.S.C.
13 1396b(a)(1).

14 (5) In accordance with waivers of federal law that are granted by the secretary of the U.S.
15 department of health and human services, the department of public health and human services may grant
16 eligibility for basic medicaid benefits as described in 53-6-101 to an individual receiving FAIM financial
17 assistance, as defined in 53-4-702, as the specified caretaker relative of a dependent child under the FAIM
18 project and to all adult recipients of medical assistance only who are covered under a group related to the
19 program of FAIM financial assistance. A recipient who is pregnant, meets the criteria for disability provided
20 in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to
21 full medicaid coverage as provided in 53-6-101.

22 (6) The department, under the Montana medicaid program, may provide, if a waiver is not
23 available from the federal government, medicaid and other assistance mandated by Title XIX of the Social
24 Security Act, 42 U.S.C. 1396, et seq., as may be amended, and not specifically listed in this part to
25 categories of persons that may be designated by the act for receipt of assistance.

26 (7) Notwithstanding any other provision of this chapter, medical assistance must be provided to
27 infants and pregnant women whose family income does not exceed 133% of the federal poverty threshold,
28 as provided in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(l)(2)(A)(i), ~~and whose family~~
29 ~~resources do not exceed standards that the department determines reasonable for purposes of the~~
30 ~~program.~~ The department may, in its discretion, establish by rule resource limits for eligibility.

(8) Subject to appropriations, the department may cooperate with and make grants to a nonprofit corporation that uses donated funds to provide basic preventive and primary health care medical benefits to children whose families are ineligible for the Montana medicaid program and who are ineligible for any other health care coverage, are under 19 years of age, and are enrolled in school if of school age.

(9) A person described in subsection (7) must be provided continuous eligibility for medical assistance, as authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).

(10) The department may establish resource and income standards of eligibility for mental health services that are more liberal than the resource and income standards of eligibility for physical health services. The standards for eligibility for mental health services may provide for eligibility for households not eligible for medicaid with family income that does not exceed 200% of the federal poverty threshold or that does not exceed a lesser amount determined in the discretion of the department. The department may by rule specify under what circumstances deductions for medical expenses should be used to reduce countable family income in determining eligibility. The department may also adopt rules establishing fees, premiums, or copayments to be charged recipients for services. The fees, premiums, or copayments may vary according to family income."

NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2001.

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